

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

PAUL LEONARD HALTHON

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:08CV47-HSO-JMR

KEN BROADUS, *et al.*

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
DEFENDANT WILLIAM S.R. ROSS, M.D.'S MOTION TO DISMISS**

This cause comes before the Court on the Report and Recommendation [33] of Chief United States Magistrate Judge John M. Roper entered in this cause on February 5, 2009. Magistrate Judge Roper reviewed Defendant William S.R. Ross, M.D.'s Motion to Dismiss and determined that it should be granted, and that all claims against Dr. Ross should be dismissed, on grounds that Plaintiff has failed to state a claim against Dr. Ross pursuant to 42 U.S.C. § 1983. The record reveals that Plaintiff has neither filed a Response to Dr. Ross's Motion, nor has he filed objections to the Magistrate's Report and Recommendation.

Based on the record before this Court, the undersigned also finds that the Magistrate Judge properly recommended that Dr. Ross's Motion to Dismiss be granted and that all claims against Dr. Ross be dismissed. After referral of hearing by this Court, no objections having been filed, and the Court, having fully reviewed the same as well as the record in this matter, and being duly advised in the premises, finds that the Magistrate's Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendation [33] of Chief United States Magistrate Judge John M. Roper entered on February 5, 2009, be, and the same hereby is, adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Defendant William S.R. Ross, M.D.'s Motion to Dismiss [23], filed July 3, 2008, should be and is hereby **GRANTED**, and all of Plaintiff's claims asserted against Defendant William S.R. Ross, M.D. should be and are hereby **DISMISSED**.

SO ORDERED AND ADJUDGED, this the 2nd day of March, 2009.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE